

Interview Summary	Application No.	Applicant(s)	
	09/942,520	ODOM, WAYNE	
	Examiner	Art Unit	
	Michael O'Neill	3713	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Michael O'Neil (PTO). (3) Phil Anderson (Appl. Rep.).
 (2) Christina Marks (PTO). (4) Wayne Odom (Applicant).

Date of Interview: 28 January 2003.

Type: a) Telephonic b) Video Conference
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: Applicant did a demonstration of the game on the computer to give a better understanding of exactly what the invention is. Different embodiments were shown as to how the principle of the idea would apply to more than one gaming situations.

Claim(s) discussed: New Claims.

Identification of prior art discussed: Richardson.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**MICHAEL O'NEILL
PRIMARY EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant went over the concept that is his game and how the actual invention defines over the prior art of Richardson. It was discussed that the invention keeps an inventory of the game symbols and the displayed symbols are removed from teh inventory and the contents of the inventory is displayed. At any time a player can call for a reshuffle. The definition of a deal in respect to the Applicant's invention as opposed to that of Richardson was discussed as well as the definition of Class 2 versus Class 3 gaming with respect to both Richardson and the Applicant's invention. It was suggested that these terms be submitted for official entrance in the record to distinguish the defintion of a deal as well as the definitions of Class 2 versus Class 3 gaming..

5 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

KARAWAY 01-01 PROPOSED NEW CLAIMS

“Live and Electronic Wagering Game”

Ser. No.: 09/942,950

6. (NEW) A method for playing a wagering game using an inventory of indicia, said inventory when fully constituted having X number of indicia arranged in sets of at least two indicia each, the method comprising:

a player making a wager to play each of a series of hands;

for each hand of play, randomly selecting and displaying a predetermined plurality of indicia from the inventory, the combination of indicia selected and displayed defining a winning or losing outcome for the hand;

30 for a winning outcome, issuing an award to the player:

displaying the number of each indicia remaining in each indicia set in the inventory as depleted of the prior selected and displayed inventory;

the player (i) making another wager to play a hand using the depleted inventory or (ii) commanding reconstitution of the inventory to X prior to the play of the next hand.

7. (NEW) The method of claim 6 comprising reconstitution of the inventory to X when a predetermined number of indicia remain in said inventory.

5 8. (NEW) The method of claim 6 comprising randomly selecting and displaying indicia by arranging said indicia into a random, serial order of 1 - X and selecting and displaying said indicia in order from said arranged inventory.

9. (NEW) A method for playing a wagering game using an inventory of indicia, said inventory when fully constituted having X number of indicia arranged in indicia sets of at least 10 two indicia each, the method comprising:

a player making a wager to play the game;

arranging the inventory into a random serial order 1 - X;

serially selecting and displaying a predetermined plurality of indicia from the inventory, the combination of selected and displayed indicia defining a winning or losing outcome;

15 for a winning outcome, issuing an award to the player;

displaying the number of each indicia remaining in each indicia set in the inventory as depleted of the prior selected and displayed inventory; and

the player (i) making another wager to play the game using the depleted inventory or (ii) commanding reconstitution of the inventory to X prior to the play of the next game.

20 10. (NEW) A method for playing a wagering game using an inventory of indicia sets, said inventory when fully constituted having X number of indicia, the

a player making a wager to play the game;

for each hand of play, randomly selecting and displaying a predetermined plurality of indicia from the inventory into the coordinates of a game matrix , the combinations of indicia in the game matrix defining a plurality of winning or losing outcomes;

for each winning outcome, issuing an award to the player;

5 displaying the number of each indicia remaining in the sets in the inventory as depleted of the prior selected and displayed inventory; and

the player opting to (i) make another wager to play a next game using the depleted inventory or (ii) commanding reconstitution of the inventory to X prior to the play of the next game.

10 11. (NEW) An electronic device for playing a game utilizing an inventory of X game indicia arranged in sets of at least two indicia each, the device comprising:

a computer processor storing an arrangement of said inventory;

a video display;

means for a player to make a wager and prompt play of the game;

15 said processor, in response to prompting, configured to randomly select and display at said display a predetermined number of indicia selected from said inventory of indicia, a plurality of selected and displayed indicia defining an outcome; and

said processor configured to compare said outcome to a schedule of winning outcomes stored in a data structure, to issue an award for a winning combination and to control the display 20 to display the remaining inventory of indicia sets depleted of said displayed game symbols.

12. (NEW) The device of claim 11 comprising said processor configured to select and display a matrix of indicia, said matrix including a plurality of pay lines each including an

outcome, means for the player to wager on a plurality of said pay lines and said processor configured to compare the outcome for each wagered upon pay line to said schedule and to issue an award for each winning combination.

13. (NEW) The device of claim 11 including an input apparatus for inputting a re-shuffle signal to said processor to prompt the processor to reconstitute said indica inventory to X.
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14. (NEW) The device of claim 12 comprising said processor configured to arrange said inventory into a random serial order 1 - X, to serially select and display said indicia from said arranged inventory and to, in response to a re-shuffle signal re-arrange said inventory into a random serial order 1 - X.